

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

AMERICA FIRST LEGACY)	
PAC,)	
)	
Plaintiff,)	CIVIL ACTION NO.:
)	3:23-CV-00208-TCB
v.)	
)	JURY TRIAL DEMANDED
ANGIE WONG,)	
)	
Defendant.)	
_____)	

**REPLY BRIEF ON DEFENDANT’S MOTION TO
DISQUALIFY PLAINTIFF’S COUNSEL**

Defendant Angie Wong, by and through her undersigned counsel, hereby files her Reply Brief on her Motion to Disqualify Plaintiff’s Counsel (Doc. 4), showing the Court as follows:

On November 3, 2023, Defendant Angie Wong (“Ms. Wong”) filed her Motion to Disqualify Plaintiff’s Counsel along with her Answer and Motion to Dismiss Counts One and Two and a Portion of Count Five for Failure to State a Claim. Ms. Wong served these filings on Plaintiff’s counsel, Jarrod B. Craig, via email on November 3, 2023. (Doc. 4 at p. 3.) Because Mr. Craig is a registered user of the Court’s electronic-filing

system, he was also served by virtue of the electronic filing. As of the filing of this brief on November 21, 2023, Plaintiff has failed to serve or file any opposition to Ms. Wong's Motion to Disqualify Plaintiff's Counsel.¹

LR 7.1(B) addresses both the time for responding to motions and the consequences of failing to respond. LR 7.1(B) states as follows:

Response to Motion. Any party opposing a motion shall serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than fourteen (14) days after service of the motion, except that in

¹ On November 20, 2023, Plaintiff filed a Notice of Filing Amended Petition, (Doc. 7) a First Amended Petition (Doc. 8) and a Motion to Remand (Doc. 9). In its First Amended Petition, Plaintiff reduced its original demand for compensatory damages and attorneys' fees from \$272,500 to \$72,500 (plaintiff's demand for punitive damages and attorneys' fees was not changed). Plaintiff's Motion to Remand is based on the sole argument that since Plaintiff reduced her demand to \$72,500, the Petition fails to meet the amount in controversy requirement of \$75,000 or more. Plaintiff cited no authority for its argument. Had Plaintiff conducted just a few minutes of research, Plaintiff would have learned that the Court looks to the amount in controversy "at the time of removal, not later." See *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 751 (11th Cir. 2010); *Smith v. Comcast Corp.*, 786 F. App'x 935, 939 (11th Cir. 2019) ("[D]iversity jurisdiction is determined at the time of removal.") *Leonard v. Enters. Rent a Car*, 279 F.3d 967, 972 (11th Cir. 2002) ("[F]or purposes of ... subject matter jurisdiction of the district court, the critical time is the date of removal."). Thus, Plaintiff's Motion to Remand will be denied.

cases of motion for summary judgment the time shall be twenty-one (21) days after the service of the motion. Failure to file a response shall indicate that there is no opposition to the motion.

As noted, Plaintiff was served on November 3, 2023, when Ms. Wong filed her Motion to Disqualify. *See* Fed. R. Civ. P. 5(b)(2)(E). Thus, Plaintiff's opposition to the Motion to Disqualify, if any, was due for filing on or before November 17, 2023. Plaintiff failed to file any response, which, under the local rule, "indicate[s] that there is no opposition to the motion." Because there is no opposition, Ms. Wong respectfully requests that her motion be granted.

Dated: November 21, 2023

Respectfully submitted:

ICHTER DAVIS LLC

By: /s/ James W. Hawkins

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CERTIFICATION

In accordance with LR 5.1C, ND GA, I hereby certify that this document has been prepared in 14 point, Century Schoolbook font.

Dated: November 21, 2023.

/s/ James W. Hawkins

James W. Hawkins

CERTIFICATE OF SERVICE

I certify that on November 21, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice of filing and a copy of same to counsel for the Plaintiff.

Dated: November 21, 2023.

/s/ James W. Hawkins

James W. Hawkins